DISTRICT OFFICE: Galveston District FILE NUMBER: D-17021 Site 1

PROJECT LOCATION INFO

State:

Texas

County:

Duval Center coordinates of site (latitude/longitude):

27-26-25.95 98-32-4.36

Approximate size of area (parcel) reviewed, including uplands: approx. 20 acres.

Name of nearest waterway: Macho Creek Name of watershed: Los Olmos Creek

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 31 October 2005

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

M There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: less than 0.5 acre.

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(2) The presence of interstate waters including interstate wettands.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Macho Creek is a tributary of Los Olmos Creek which flows into Baffin Bay, a navigable bay system that is subject to the ebb and flow of the tide

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by:							FILE NUMBER:	D-17021 Site 1
clear, natural line impressed on the bank clear control of the presence of liter and debris clear control of the presence of liter and debris clear control of the presence of liter and debris clear control of the physical markings/characteristics clear control of the physical markings/characteristics clear control of the physical markings clear control of the physical control of								
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Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Realitos U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Duval County, Community Panel 480202 0014A June 3, 1977 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):		Ľ	Other (explain):					
Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Realitos U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. A Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Duval County, Community Panel 480202 0014A June 3, 1977 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	DATA I	REVIE	WED FOR JURSIDICTIONAL DETERMIN	NATION (m	arl	k all that ann	dwy	
This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Realitos U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Geological Survey 1.5 Minute Historic quadrangles: U.S. Actional wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Duval County, Community Panel 480202 0014A June 3, 1977 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	X	Maps,	plans, plots or plat submitted by or on behalf o	f the applica	nt.	k an that app	,,,,,.	
This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Realitos U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Datural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Duval County, Community Panel 480202 0014A June 3, 1977 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):		Data s	heets prepared/submitted by or on behalf of the	applicant.				
Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Realitos U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S.		☐ Tì	nis office concurs with the delineation report, de	ated, p	orep	pared by (con	npany):	
Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Realitos U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Duval County, Community Panel 480202 0014A June 3, 1977 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	120	∐ Tì	nis office does not concur with the delineation r	report, dated		, prepared	by (company):	
	200							
	岗	U.S. G	cological Survey 7.5 Minute Topographic man	s: Doolitos				
		U.S. G	eological Survey 7.5 Minute Topographic map	oles				
	52	U.S. G	eological Survey 15 Minute Historic quadrangl	les:				
		USDA	Natural Resources Conservation Service Soil S	Survey:				
	麵	Nation	al wetlands inventory maps:	,				
	55							
	<u> </u>	FEMA		nty, Commun	nity	Panel 48020	2 0014A June 3, 197	'7
		100-ye	ar Floodplain Elevation is: (NGVD)					
	35 35	Other :	r notographs (Name & Date):					

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District **FILE NUMBER:** 14114(05)/855

PR		CT LOCATION INFORMATION:											
	Stat												
		inty: Nueces											
	Cen	nter coordinates of site (latitude/longitude): 27-52-35.14 97-16-5.04											
	App	proximate size of area (parcel) reviewed, including uplands: approximately 5 acres.											
		ne of nearest waterway: Corpus Christi Bay ne of watershed: Nueces River											
	Ivai	ne of watersned: Nueces River											
JUF	RISD	OCTIONAL DETERMINATION											
		npleted: Desktop determination											
		Duc(3).											
	Jur	isdictional Determination (JD):											
		Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the transfer of											
		United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable											
		(Reference 33 CFR part 331).											
	\boxtimes	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331).											
		Check all that apply:											
		There are "noviceble victors of the United States" (1 S. 11 22 GPB 220											
		☐ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: approximately 5 acre.											
		the reviewed area. Approximate size of jurisdictional area: approximately 5 acre.											
		There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the											
		reviewed area. Approximate size of jurisdictional area: approx. 5 acre.											
		There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.											
		Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No											
		Jurisdiction.											
RAS	is c	OF JURISDICTIONAL DETERMINATION:											
2.10	Α.	Waters defined under 33 CFR part 329 as "navigable waters of the United States":											
	\boxtimes	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in											
	_	the past, or may be susceptible for use to transport interstate or foreign commerce.											
	<u>B.</u>	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":											
	\boxtimes	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in											
	_	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.											
	H	(2) The presence of interstate waters including interstate wetlands ¹ .											
	ш	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,											
		sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):											
		(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.											
		(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.											
		(iii) which are or could be used for industrial purposes by industries in interstate commerce.											
		(4) Impoundments of waters otherwise defined as waters of the US.											
		(5) The presence of a tributary to a water identified in $(1) - (4)$ above.											
		(6) The presence of territorial seas.											
		(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.											

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project will involve a directional drill boring under Corpus Christi Bay which contains several federal channels and is navigable water subject to the ebb and flow of the tide.

FILE NUMBER: 14114(05)/855

	Cordinary High Water Mark indicated by: Clear, natural line impressed on the bank Changes in the character of soil Cestruction of terrestrial vegetation Cestruction of the character of soil Cestruction of terrestrial vegetation Cest
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA R	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Portland, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District **FILE NUMBER:** D-17021 Site 2

	CT LOCATION INFORMATION:
Sta	
	unty: Duval
Cei	nter coordinates of site (latitude/longitude): 27-35-47.7 98-23-5.77
Ap	proximate size of area (parcel) reviewed, including uplands: approx. 20 acres.
	me of nearest waterway: Santa Gertrudis Creek me of watershed: San Fernando Creek
l Na	me of watersned: San Fernando Creek
	DICTIONAL DETERMINATION
Co	mpleted: Desktop determination Date: 31 October 2005 Site visit(s) Date(s):
	Site visit(s) Date(s):
Jui	risdictional Determination (JD):
П	Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the or the there appear to be no "waters of the or th
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) withit the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: less than 0.5 acre.
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of N Jurisdiction.
BASIS (OF JURISDICTIONAL DETERMINATION:
	Waters defined under 33 CFR part 329 as "navigable waters of the United States":
Ö	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
\boxtimes	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
	(iii) which are or could be used for industrial purposes by industries in interstate commerce.
×	(4) Impoundments of waters otherwise defined as waters of the US.
씜	 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas.
ㅂ	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands
	(1) 200 processed of mediands adjacent to other maters of the Ob, except for those wettains adjacent to other wettains.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Santa Gertrudis Creek is a tributary of San Fernando Creek which flows into Baffin Bay, a navigable bay system subject to the ebb and flow of the tide

	FILE NUMBER: D-17021 Site 2
Lat	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:Other (explain):
DATA F	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated prepared by (company): This office does not concur with the delineation report, dated prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Benavides
	U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Harlingen State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): Duval County Community Panel No. 480202 0012 A June 3, 1997 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

^TWetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: Galveston District **FILE NUMBER:** SWG-2005-12-037

PROJ	OJECT LOCATION INFORMATION:	
S	State: Texas	
	County: Nueces	
C	Center coordinates of site (latitude/longitude): 27-52-36.76 97-16-5.01	
Α	Approximate size of area (parcel) reviewed, including uplands: approximately 1 acres.	
N	Name of nearest waterway: Corpus Christi Bay	
N	Name of watershed: Nueces River	
	RISDICTIONAL DETERMINATION	
C	Completed: Desktop determination Date: 31 Oct. 2005	
	Site visit(s) Date(s):	
_		
Ju	Jurisdictional Determination (JD):	
	Preliminary JD - Based on available information, \(\square \) there appear to be (or) \(\square \) there appe	ar to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A prelim	inary JD is not appealable
	(Reference 33 CFR part 331).	•
1	Approved ID. An engaged ID is an engaged to the company of the com	
<u> </u>	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:	
	спеск ан шасарргу.	
	☑ There are "navigable waters of the United States" (as defined by 33 CFR part 329 and a	agga aiota d'ausi dans a a' suithiu
	the reviewed area. Approximate size of jurisdictional area: approximately 1 acre.	ssociated guidance) within
	in terremed area. Approximate size of jurisdictional area, approximately 1 acre.	
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated	guidance) within the
	reviewed area. Approximate size of jurisdictional area: approximately 1 acre.	guidance) within the
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed	area.
	Decision supported by SWANCC/Migratory Bird Rule Information Sho	eet for Determination of No
	Jurisdiction.	
DACIC	CIC OF HIDIODICTIONAL DETERMINATION	
	SIS OF JURISDICTIONAL DETERMINATION:	
A.	A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":	1 1 1
	The presence of waters that are subject to the ebb and flow of the tide and/or are presently up the past or may be supportible for use to transport interstate and for its present in the past or may be supported by the past of the past	sed, or have been used in
	the past, or may be susceptible for use to transport interstate or foreign commerce.	
В.	B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":	
	(1) The presence of waters, which are currently used, or were used in the past, or may be su	scentible to use in
-	interstate or foreign commerce, including all waters which are subject to the ebb and flow or	f the tide
	(2) The presence of interstate waters including interstate wetlands ¹ .	Time trae.
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermit	ent streams), mudflats.
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, t	he use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all	that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other	purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign c	ommerce.
	(iii) which are or could be used for industrial purposes by industries in interstate comm	erce.
	(4) Impoundments of waters otherwise defined as waters of the US.	
	(5) The presence of a tributary to a water identified in $(1) - (4)$ above.	
	(6) The presence of territorial seas.	•
<u> </u>	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands	adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Project will involve a directional drill boring under Corpus Christi Bay which contains several federal channels and is navigable water subject to the ebb and flow of the tide.

2 FILE NUMBER: SWG-2005-12-037 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:

U.S. Geological Survey 7.5 Minute Topographic maps: Portland, Texas

U.S. Geological Survey 7.5 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

U.S. Geological Survey 15 Minute Historic quadrangles:

USDA Natural Resources Conservation Service Soil Survey:

National wetlands inventory maps:

State/Local wetland inventory maps:

FEMA/FIRM maps (Map Name & Date):

100-year Floodplain Elevation is: (NGVD)

Aerial Photographs (Name & Date):

Other photographs (Date):

Advanced Identification Wetland maps:

Site visit/determination conducted on:

Applicable/supporting case law: U.S. Geological Survey Hydrologic Atlas:

Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23354(01)

_	ECT LOCATION INFORMATION:
_	ate: Texas
	ounty: Matagorda enter coordinates of site (latitude/longitude): Latitude 29° 35' 54"N; Longitude -95° 58' 28"W
A	
N	ame of nearest waterway: Gulf of Mexico
	ame of watershed: Central Matagorda Bay Huc: 12100401
	DICTIONAL DETERMINATION
C	ompleted: Desktop determination
	Site visit(s) Date(s):
Jı	rrisdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS	OF JURISDICTIONAL DETERMINATION:
A.	
×	The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
В.	Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
\boxtimes	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in
	interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
	(2) The presence of interstate waters including interstate wetlands ¹ .
	resident of the state of the st
	sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of which could affect interstate commerce including any such waters (check all that apply):
	(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
	(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.
	(4) Impoundments of waters otherwise defined as waters of the US.
	(5) The presence of a tributary to a water identified in (1) – (4) above.
	(6) The presence of territorial seas.
	(7) The presence of wetlands adjacent ² to other waters of the US, except for those wetlands adjacent to other wetlands.
_	

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The work conducted would involve navigable waters of the Gulf of Mexico and placement of fill below the high tide line and as such would be jurisdictional under Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act.

FILE NUMBER: 23354(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Matagorda SW, Texas Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify): Previous Permit Site visits

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG **FILE NUMBER:** 19480(02)

PROJE	CT LOCATION IN	FORMATION:		
Stat				
	ınty: Brazoria			
	ter coordinates of si			Latitude 28° 54' 05"N; Longitude 95° 22' 50"W
	proximate size of are			
	ne of nearest waterw			
Nan	ne of watershed:	Austin-Oyster Huc	e: 120410)205
HIDIOD	ICTIONAL DETE	DATE		
	ICTIONAL DETE npleted: Desktop		NZI	Date: 1 Navember 2005
Cui	-		\boxtimes	Date: 1 November 2005
	Site visit	(s)		Date(s):
Jur	isdictional Determi	nation (JD):		
	Preliminary JD - Ba United States" and (Reference 33 CFR	or "navigable water	formation s of the U	, \square there appear to be (or) \square there appear to be no "waters of the Inited States" on the project site. A preliminary JD is not appealable
Ø	Approved JD – An Check all that apply		ıppealable	e action (Reference 33 CFR part 331).
		gable waters of the Approximate size o		ates" (as defined by 33 CFR part 329 and associated guidance) within tional area:
	➤ There are "water reviewed area. App	ers of the United Sta proximate size of jur	ites" (as d	defined by 33 CFR part 328 and associated guidance) within the al area:
	There are "isolo	ated, non-navigable, Decision supported Jurisdiction.	, <i>intra-sta</i> l by SWA	ate waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No.
BASIS (OF JURISDICTION	IAL DETERMINA	TION.	
				avigable waters of the United States":
Ø	The presence of wa	ters that are subject	to the ebb	o and flow of the tide and/or are presently used, or have been used in ort interstate or foreign commerce.
В.	Waters defined un	ider 33 CFR nart 3	28.3(a) as	s "waters of the United States":
				used, or were used in the past, or may be susceptible to use in
	interstate or foreign	commerce, includi	ng all wat	ters which are subject to the ebb and flow of the tide.
	(2) The presence of	finterstate waters in	cluding in	interstate wetlands ¹ .
				te lakes, rivers, streams (including intermittent streams), mudflats,
	sandflats, wetlands,	, sloughs, prairie pot	tholes, we	et meadows, playa lakes, or natural ponds, the use, degradation or
	destruction of whic	h could affect inters	tate comn	nerce including any such waters (check all that apply):
	(i) which are o	r could be used by in	nterstate o	or foreign travelers for recreational or other purposes.
	(ii) from which	n fish or shellfish are	e or could	be taken and sold in interstate or foreign commerce.
	(iii) which are	or could be used for	r industria	al purposes by industries in interstate commerce.
	(4) Impoundments			
	(5) The presence of	a tributary to a water	er identifi	ed in (1) – (4) above.
H	(6) The presence of		1	
Ш	(/) The presence of	wetiands adjacent	to other w	waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Gulf Intracoastal Waterway is a navigable water of the U.S.

La		Extent of Jurisdiction: (Reference: 33 CFR nary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other:		ph Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mear ☐ su	n High Water Mark indicated by: urvey to available datum;	ings; vegetation	n lines/changes in vegetation types.
	Wetla	and boundaries, as shown on the attached w	etland delineation	map and/or in a delineation report prepared by:
Ba	The rule of the Control of the Contr	Waste treatment systems, including treatm Artificially irrigated areas, which would r Artificial lakes and ponds created by excaretain water and which are used exclusive rice growing. Artificial reflecting or swimming pools or by excavating and/or diking dry land to re Water-filled depressions created in dry lar the purpose of obtaining fill, sand, or gravabandoned and the resulting body of water 328.3(a). Isolated, intrastate wetland with no nexus	the basis of 33 CFI in that the following ment ponds or lagoc evert to upland if the vating and/or dikingly for such purpose to other small ornamentain water for prime and incidental to consect unless and until transport to interstate commentation in the consection of the consectio	R part 328.3(a)(3). g waters present on the site are not Waters of the ons, pursuant to 33 CFR part 328.3. ne irrigation ceased. ng dry land to collect and se as stock watering, irrigation, settling basins, or ental bodies of water created arily aesthetic reasons. nestruction activity and pits excavated in dry land for the construction or excavation operation is on of waters of the United States found at 33 CFR
		Non-tidal drainage or irrigation ditches ex Other (explain):	cavated on dry land	d. Explain rationale:
	Data si The Tree Data si Corps' U.S. G U.S.	wed for Jursipictional determinant plans, plots or plat submitted by or on behalf of his office concurs with the delineation reports office does not concur with the delineation heets prepared by the Corps. navigable waters' studies: eological Survey Hydrologic Atlas: eological Survey Hydrologic Atlas: eological Survey 7.5 Minute Topographic neological Survey 7.5 Minute Historic quadre eological Survey 15 Minute Historic quadre Natural Resources Conservation Service Scal wetlands inventory maps: ocal wetland inventory maps: /FIRM maps (Map Name & Date): ar Floodplain Elevation is: (NGVD) Photographs (Name & Date): chotographs (Date):	If of the applicant. the applicant. t, dated , prepon report, dated maps: Jones Creek, angles:	pared by (company): , prepared by (company):
	FEMA. 100-ye. Aerial I Other p Advance Site vis Applica	/FIRM maps (Map Name & Date): ar Floodplain Elevation is: (NGVD) Photographs (Name & Date): photographs (Date):	t and amendment	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RE

FILE NUMBER: D-17232

PR	റ	H	70	Т	1.	റ	C	Δ,	T	1	ור	V	I	N	F	n l	R	M	Δ	т	IO	N	
	v	u,	_			v	•	_		١,	,	. 4				_	N	v.		A I	IU	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	

State: Texas
County: Matagorda

Center coordinates of site (latitude/longitude): 28° 50' 06" N, 95° 39' 58" W

Approximate size of area (parcel) reviewed, including uplands: 0.30 acres.

Name of nearest waterway: Caney Creek

Name of watershed: Huc Code: 12090402, East Matagorda Bay

C	ompleted:	Desktop determination	×	Date: 1 November 2005
		Site visit(s)		Date(s):
Jı	risdictions	l Determination (JD):		
C	United S	ary JD - Based on available states" and/or "navigable watce 33 CFR part 331).	information in the	n, \square there appear to be (or) \square there appear to be no "waters of the United States" on the project site. A preliminary JD is not appealable
×		ed JD – An approved JD is a ll that apply:	n appealab	le action (Reference 33 CFR part 331).
		e are "navigable waters of the wed area. Approximate size		States" (as defined by 33 CFR part 329 and associated guidance) within ctional area: 0.06 acre.
		e are "waters of the United area. Approximate size of		defined by 33 CFR part 328 and associated guidance) within the nal area: 0.06 acre.
	There	***************************************		tate waters or wetlands" within the reviewed area. ANCC/Migratory Bird Rule Information Sheet for Determination of No.

BASIS OF JURISDICTIONAL DETERMINATION:

Jurisdiction.

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Caney Creek is subject to the ebb and flow of the tide. It is contiguous with the GIWW. Therefore Caney Creek is a navigable water of the United States.

FILE NUMBER: D-17232

I.at	teral Extent of Jurisdiction (Deformance 22 CER 1999) 1999
	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Sargent, Texas Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Accological Survey 15 Minute Historic quadrangles: U.S. Accological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Historic quadrangles: U.S. Geological Survey 17 Minute Historic quadrangles: U.S. Geological Survey 18 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 19 Minute Historic quadrangles: U.S. Geological Survey 10 Minute Historic quadrangles: U.S. Geological Survey

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: 21874(01)

FILE	UNIDER: 218/4(U1)
Sta Co Ce Ap Na	CT LOCATION INFORMATION: te: Texas unty: Jefferson ther coordinates of site (latitude/longitude): Lat: 30.01.06 Long; 93.59.21 proximate size of area (parcel) reviewed, including uplands: 5 acres. me of nearest waterway: Neches River me of watershed: Sabine - Neches
	DICTIONAL DETERMINATION mpleted: Desktop determination
Jur	isdictional Determination (JD):
	Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or)} \subseteq there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
A.	Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
	Waters defined under 33 CFR part 328.3(a) as "waters of the United States": (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(4) Impoundments of waters otherwise defined as waters of the US.
(5) The presence of a tributary to a water identified in (1) – (4) above.

(6) The presence of territorial seas.

				2		
La		Extent of Jurisdiction inary High Water Mark clear, natural line imp the presence of litter a changes in the charac destruction of terrestr shelving other:	c indicated by: pressed on the bank and debris ter of soil		High Tide Line indicated oil or scum line fine shell or de	FILE NUMBER: 21874(0) cated by: e along shore objects bris deposits (foreshore) ngs/characteristics
	Mear □ su	n High Water Mark ind urvey to available datu	licated by: m;	tings; vegeta	tion lines/changes in	vegetation types.
						elineation report prepared by:
Bas	The re Unable Heade The C	Waste treatment syst Artificially irrigated Artificial lakes and pretain water and whirice growing. Artificial reflecting oby excavating and/or Water-filled depressing the purpose of obtain abandoned and the results. Isolated, intrastate was artificially irrigated.	entirely of uplands. Ince of waters in 33 C prove jurisdiction on specific determination tems, including treatments, which would reponds created by excapt are used exclusive or swimming pools or diking dry land to reform the conscreated in dry landing fill, sand, or grave exulting body of wate etland with no nexus and, as determined by	the basis of 33 on that the follow ment ponds or latevert to upland avating and/or dely for such purport other small orrestain water for pand incidental to rel unless and up meets the definition of the late of	CFR part 328.3(a)(3) ving waters present of a goons, pursuant to 32 if the irrigation cease iking dry land to coll poses as stock watering amental bodies of watering armarily aesthetic reactionstruction activity will the construction of maters of the amerce.	n the site are not Waters of the 3 CFR part 328.3. dd. ect and ag, irrigation, settling basins, or ater created sons. and pits excavated in dry land for rexcavation operation is e United States found at 33 CFR in Service. Explain rationale:
	Data sh Th Th Data sh Corps' U.S. Ge U.S. Ge U.S. Ge USDA Nationa State/Le FEMA/ 100-yea Aerial F Other pl Advance Site visi Applica	wED FOR JURSIDIO plans, plots or plat sub heets prepared/submitto his office concurs with his office does not concurs heets prepared by the Conavigable waters' stude heelogical Survey Hydre heological Survey 7.5 Melological Survey 7.5 Melological Survey 15 Melological Survey 16 Melological Survey 17 Melological Survey 18 Melological Survey 19 Melolog	mitted by or on behaled by or on behalf of the delineation report with the delineation corps. lies: lies: lies: lies: lies: liogic Atlas: linute Topographic manute Historic quadra inute Historic quadra inservation Service Solution Service Service Solution Service S	If of the applica the applicant. t, dated , pon report, dated naps:	ark all that apply): nt. prepared by (compan , prepared by (

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JEC Stat Cou Cen App Nan	UMBER: CT LOCATION I e: Texas unty: Chamb ter coordinates of a proximate size of an ne of nearest water	ers site (latitude/longitud rea (parcel) reviewed way: Onion Creek	le): , includin	29° 44' g uplands: _	01"N, 94° 27' 50"W
	npleted: Desktop	p determination		Date: Date(s):	11/1/05
Juri	isdictional Detern	nination (JD):			
3	United States" an	d/or "navigable wate	formation	ı,	ppear to be (or) there appear to be no "waters of the on the project site. A preliminary JD is not appealable
Ø			appealable	e action (Refe	erence 33 CFR part 331).
	There are "nathe reviewed area	vigable waters of the . Approximate size of	United St		ned by 33 CFR part 329 and associated guidance) within
	There are "wa reviewed area. A	aters of the United Sta pproximate size of ju	ntes" (as o	defined by 33 al area:	CFR part 328 and associated guidance) within the
	There are "iso	olated, non-navigable Decision supported Jurisdiction.	, intra-sta l by SWA	ate waters or a NCC/Migrat	wetlands" within the reviewed area. ory Bird Rule Information Sheet for Determination of No
	Waters defined u	under 33 CFR part 3 vaters that are subject	329 as "na to the ebb	and flow of	the tide and/or are presently used, or have been used in
	(1) The presence of interstate or foreign (2) The presence of (3) The presence of sandflats, wetland destruction of white (ii) which are (iii) from white (iii) which are (4) Impoundments (5) The presence of (6) The presence of	of waters, which are of commerce, including finterstate waters in of other waters such a last state of could affect intersor could be used by it is of waters otherwise of a tributary to a water of territorial seas.	currently using all wat cluding in as intrastat tholes, we state communiterstate or could industrial defined as er identification.	used, or were ers which are aterstate wetlate lakes, river at meadows, proceed including or foreign transite taken and be taken and I purposes by s waters of the ed in (1) – (4	used in the past, or may be susceptible to use in subject to the ebb and flow of the tide. ands ¹ . s, streams (including intermittent streams), mudflats, playa lakes, or natural ponds, the use, degradation or ing any such waters (check all that apply): velers for recreational or other purposes. sold in interstate or foreign commerce. r industries in interstate commerce. e US.) above.
	State Con Approximate Some Some Some Some Some Some Some Som	State: Texas County: Chamb Center coordinates of Approximate size of a Name of nearest water Name of watershed: E SDICTIONAL DET Completed: Deskto Site vis Furisdictional Determ Preliminary JD - United States" an (Reference 33 CF Approved JD - A Check all that app There are "na the reviewed area. A There are "isc SOF JURISDICTION Waters defined u The presence of whe past, or may b Waters defined u (1) The presence of whe past, or may b Waters defined u (1) The presence of whe past, or may b Waters defined u (1) The presence of whe past, or may b Waters defined u (1) The presence of whe past, or may b Waters defined u (1) The presence of whe past, or may b Waters defined u (1) The presence of which past, or may b Waters defined u (1) The presence of which are (2) The presence of which are (3) The presence of which are (4) Impoundments (5) The presence of the	SNUMBER: Texas County: Chambers Center coordinates of site (latitude/longitude Approximate size of area (parcel) reviewed Name of nearest waterway: Onion Creek Name of watershed: East Galveston Bay SDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Furisdictional Determination (JD): Preliminary JD - Based on available in United States" and/or "navigable water (Reference 33 CFR part 331). Approved JD - An approved JD is an a Check all that apply: There are "navigable waters of the the reviewed area. Approximate size of Jurisdiction. There are "waters of the United State reviewed area. Approximate size of Jurisdiction. SOF JURISDICTIONAL DETERMINAL Waters defined under 33 CFR part 3 The presence of waters that are subject the past, or may be susceptible for use the past, or may be susceptible for use (2) The presence of interstate waters in (3) The presence of other waters such a sandflats, wetlands, sloughs, prairie podestruction of which could affect inters and (1) which are or could be used by in (1) in from which fish or shellfish and (1) in prometic of waters of waters of the used by in (1) in presence of a tributary to a water (5) The presence of territorial seas.	JECT LOCATION INFORMATION: State: Texas County: Chambers Center coordinates of site (latitude/longitude): Approximate size of area (parcel) reviewed, includin Name of nearest waterway: Onion Creek Name of watershed: East Galveston Bay SDICTIONAL DETERMINATION Completed: Desktop determination Site visit(s) Freliminary JD - Based on available information United States" and/or "navigable waters of the U (Reference 33 CFR part 331). Approved JD - An approved JD is an appealable Check all that apply: There are "navigable waters of the United States are "waters of the United States" (as or reviewed area. Approximate size of jurisdiction. There are "waters of the United States" (as or reviewed area. Approximate size of jurisdiction. There are "isolated, non-navigable, intra-stated Decision supported by SWA Jurisdiction. SOF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "na The presence of waters that are subject to the ebb the past, or may be susceptible for use to transposite to foreign commerce, including all waters and the past, or may be susceptible for use to transposite to foreign commerce, including all waters and the presence of of waters, which are currently uninterstate or foreign commerce, including all waters and the presence of other waters such as intrastated and the presence of other waters such as intrastated and the presence of other waters such as intrastated and the presence of other waters such as intrastated and the presence of other waters such as intrastated and the presence of other waters such as intrastated and the presence of other waters such as intrastated and the presence of other waters such as intrastated and the presence of other waters otherwise defined at (3) The presence of other waters otherwise defined at (4) Impoundments of waters otherwise defined at (5) The presence of territorial seas.	Decision supported by SWANCC/Migrat Jurisdictional area: There are "solated, non-navigable, intra-state waters or y Decision supported by SWANCC/Migrat Jurisdiction. There are "isolated, non-navigable, intra-state waters or or the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to the ebb and flow of the past, or may be susceptible for use to transport interstate or foreign commerce, including all waters which are (2) The presence of other waters such as intrastate lakes, river sandflats, wetlands, sloughs, prairie potholes, wet meadows, padestruction of which could affect interstate commerce including [ii] i) which are or could be used by interstate or foreign transport in the presence of the trinterstate or foreign transport in the presence of the could affect interstate commerce including [ii] i) which are or could be used by interstate or foreign transport in the presence of the could affect interstate commerce including [iii] which are or could be used by interstate or foreign transport in the presence of the trinters as water

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

			2			
FILE NUME	BER: D-1	7137				
Lateral Exte	dinary High Water M	mpressed on the bank er and debris racter of soil		fine shell	m line along shore obj or debris deposits (for narkings/characteristic	reshore)
Mea	an High Water Mark survey to available d	indicated by: atum;	ngs; 🗌 vegeta	tion lines/chang	ges in vegetation types	s.
		shown on the attached we				
The Una Head	ble to confirm the productors declined to Corps has made a casted States: Waste treatment so Artificially irrigated Artificial lakes and retain water and wrice growing. Artificial reflection by excavating and Water-filled depression of obstandoned and the 328.3(a). Isolated, intrastated Prior converted or	isdiction: tts entirely of uplands. esence of waters in 33 CF approve jurisdiction on the se-specific determination systems, including treatmented areas, which would read ponds created by excave which are used exclusively and to retreat the systems of the sys	that the follow ent ponds or la vert to upland vating and/or d y for such purp other small orrain water for p d incidental to el unless and ur meets the defin o interstate cor the Natural Re	cring waters pressions, pursuant if the irrigation iking dry land to oses as stock warmental bodies rimarily aesthet construction act till the construction of waters in merce.	to 33 CFR part 328.3 ceased. collect and attering, irrigation, set of water created ic reasons. tivity and pits excavation or excavation ope of the United States f	tling basins, or ed in dry land for eration is ound at 33 CFR
Maps Data Data Corps U.S. (U.	s, plans, plots or plat sheets prepared/subn This office concurs w This office does not c sheets prepared by the s'navigable waters's Geological Survey H Geological Survey 7. Geological Survey 7. Geological Survey 1.5	studies: ydrologic Atlas: 5 Minute Topographic ma 5 Minute Historic quadras 6 Minute Historic quadras 7 Conservation Service Soi 8 ry maps: 8 tory maps: 8 Name & Date):	f of the applica he applicant. dated, prep n report, dated aps: Stanolind ngles: ngles:	nt. ared by (compa, prepared by Reservior, 1995	any): v (company):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Aerial Photographs (Name & Date): 1995 DO
Other photographs (Date): NRCS B&W
Advanced Identification Wetland maps:
Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify): NRCS JD

Aerial Photographs (Name & Date): 1995 DOQQ CIR

The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or harriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: D-17834

PROJE	CT LOCAT	ION INFO	RMATION:		
Stat Cot Cer App Nar	te: T unty: F nter coordina proximate siz	Cexas Refugio tes of site (ze of area (p t waterway:	latitude/longitu	d, including	N28 10' 14.7547", W97 23' 28.2420" g uplands: 1.3 acres.
	DICTIONAL mpleted: E			×	Date: 2 November 2005 Date(s):
Jur	isdictional I	Determinat	ion (JD):		
	Preliminary United Stat (Reference	tes" and/or	"navigable wate	nformation ers of the U	, \(\sum_{\text{there appear to be (or)}} \sum_{\text{there appear to be no "waters of the finited States"}}\) on the project site. A preliminary JD is not appealable
\boxtimes	Approved 3 Check all the		proved JD is an	appealable	e action (Reference 33 CFR part 331).
	There a	re "navigal ed area. Ap	ole waters of the proximate size	e United Sta of jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	There a	re "waters rea. Appro	of the United Siximate size of j	tates" (as durisdictions	defined by 33 CFR part 328 and associated guidance) within the al area: .
	☐ There a] De			ete waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
A.	Waters der The present	fined unde	s that are subject	329 as "na t to the ebb	avigable waters of the United States": o and flow of the tide and/or are presently used, or have been used in art interstate or foreign commerce.
B.	(1) The pre interstate o	sence of war	aters, which are ommerce, includ	currently uding all wat	s "waters of the United States": used, or were used in the past, or may be susceptible to use in ers which are subject to the ebb and flow of the tide. uterstate wetlands ¹ .
	(3) The pre sandflats, v destruction	sence of ot vetlands, slo of which c	her waters such oughs, prairie p ould affect inte	as intrastat otholes, we rstate comn	te lakes, rivers, streams (including intermittent streams), mudflats, et meadows, playa lakes, or natural ponds, the use, degradation or nerce including any such waters (check all that apply): or foreign travelers for recreational or other purposes.
	(ii) fro	m which fi	sh or shellfish a	re or could	be taken and sold in interstate or foreign commerce. Il purposes by industries in interstate commerce.
					s waters of the US.
直	(5) The pre	sence of a t	ributary to a wa		ed in (1) – (4) above.
Miss			ritorial seas. etlands adjacent	t ² to other v	vaters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17834

La	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank Diagram of the presence of litter and debris Diagram of the character of soil Diagram of the charact
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Ba Similar	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Cranell, TX Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: Refugio County National wetlands inventory maps: Cranell, TX State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

	ICT OFFICE: UMBER:	CESWG D-17080				
		ON INFORMATION:				
Sta Co	ate: Tex ounty: Lib	xas eerty				
		s of site (latitude/longitu		Site B Site C	29° 58'	44"N, 94° 35' 40"W 30"N, 94° 50' 39"W 57"N, 95° 06' 21"W
Na	me of nearest w	of area (parcel) reviewed aterway: Wishkey Brand: d: Lower Trinity	l, including ch, Whites	uplands:		,
JURISI Co	mpleted: Des	DETERMINATION sktop determination e visit(s)		Date: Date(s):	11/2/05 9/8/05	
Jui	risdictional Det	termination (JD):				
	Preliminary JI United States'	D - Based on available in	nformation, rs of the U	, [] there of nited State	appear to be s" on the pro	(or) there appear to be no "waters of the piect site. A preliminary JD is not appealable
Ø	Approved JD Check all that	- An approved JD is an apply:	appealable	action (Re	ference 33 (CFR part 331).
	There are the reviewed a	"navigable waters of the area. Approximate size of	United Sta of jurisdicti	ates" (as de ional area:	fined by 33	CFR part 329 and associated guidance) within
	There are 'reviewed area.	"waters of the United Standard	ates" (as de risdictiona	efined by 3	3 CFR part	328 and associated guidance) within the
	There are	"isolated, non-navigable Decision supported Jurisdiction.	, intra-state I by SWAN	e waters or NCC/Migra	wetlands" v tory Bird R	within the reviewed area. ule Information Sheet for Determination of No
BASIS C	F JURISDICT	ΓΙΟΝΑL DETERMINA	TION.			
<u>A.</u>	Waters define The presence o	ed under 33 CFR part 3	29 as "nay to the ebb	and flow o	f the tide an	d/or are presently used or have been used in
В.	(1) The present	ed under 33 CFR part 3 ce of waters, which are c	urrently us	sed, or were	used in the	past, or may be susceptible to use in
	(2) The present	ce of interstate waters in	ng an water	rs which ai erstate wet	e subject to lands ¹ .	the ebb and flow of the tide.
	(3) The present	ce of other waters such a	s intrastate	lakes, rive	rs, streams (including intermittent streams), mudflats,
	destruction of v	which could affect inters	tate comme	erce includ	ing any such	or natural ponds, the use, degradation or waters (check all that apply):
	(i) which a	are or could be used by in which fish or shellfish are	nterstate or e or could b	foreign tra e taken an	velers for re	ecreational or other purposes. erstate or foreign commerce.
F	(III) Which	are or could be used for	industrial	purposes b	v industries	in interstate commerce.
×	(5) The present	ents of waters otherwise se of a tributary to a water	uenned as v er identified	waters of the d in (1) – (4	ne US. I) above.	
	(6) The present	ce of territorial seas.				for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE N	UMBER:	D-17080				
Lateral	clear, natural the presence of changes in the	ion: (Reference: 33 CFR parts 32 ter Mark indicated by: line impressed on the bank of litter and debris e character of soil f terrestrial vegetation		☐ oil o ☐ fine ☐ phys	Line indicated by: r scum line along shore objects shell or debris deposits (foreshore) ical markings/characteristics gages r:	ı
	Mean High Water № Survey to availa	Mark indicated by: ble datum; ☐ physical markings	s; 🔲 vegetati	ion lines/	changes in vegetation types.	
	Wetland boundaries	s, as shown on the attached wetlan	nd delineatio	n map an	d/or in a delineation report prepare	d by:
Bas E	Unable to confirm the Headquarters declin The Corps has made United States: Waste treatm Artificially i Artificial lak retain water rice growing Artificial ref by excavatin Water-filled the purpose of abandoned at 328.3(a). Isolated, intra Prior converti	consists entirely of uplands. The presence of waters in 33 CFR part to approve jurisdiction on the erac acase-specific determination that the erac acase and ponds created by excavation and which are used exclusively for the excavation of swimming pools or othing and/or diking dry land to retain depressions created in dry land in the erac acase of the erac acase wetland with no nexus to interest the excavation of the erac acase wetland with no nexus to interest the erac acase or irrigation ditches excavation.	basis of 33 C at the following ponds or lag to upland if ng and/or dik or such purpo er small orna water for princidental to con nless and unterestate com- terestate com-	FR part 3 ing water coons, pur f the irrig cing dry l oses as sto mental b marily as onstruction il the con ition of water	spresent on the site are not Waters suant to 33 CFR part 328.3. ation ceased. and to collect and ock watering, irrigation, settling based esthetic reasons. On activity and pits excavated in drastruction or excavation operation is aters of the United States found at	sins, or y land for s 33 CFR
	Maps, plans, plots or Data sheets prepared. This office concuent This office does to This office does not	by the Corps. eers' studies: ey Hydrologic Atlas: ey 7.5 Minute Topographic maps ey 7.5 Minute Historic quadrangle ey 15 Minute Historic quadrangle erces Conservation Service Soil Si ventory maps: nventory maps: Map Name & Date): Elevation is: Name & Date): 1995 DOQQ CIR ate): on Wetland maps: on conducted on: 9/8/05 g case law:	the applicant applicant. ted, prepa eport, dated : es: es: urvey: Libert	t. red by (c Nov 200	ompany): 4_, prepared by (company): IES, In	ıc.

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG-PE-RC FILE NUMBER: D-12644/(01)

P	R	n	B	r e	~1	rı	٦,	\mathbf{C}^{\prime}	٠,	FI	•	١.	V	T)	N	E/	Λ	D	'n.	Л		TI	Λ	NI.
Γ.	n	.,	Ji	L.			 "		١.		u	91	v		•			к	13	/8	Δ			N •

State:

ΤX

County:

Willacy

Center coordinates of site (latitude/longitude):

26° 28' 38"N, 97° 47' 14"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway:

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 11-02-05

Site visit(s)

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \) (or) \(\square there appear to be no "waters of the or the there appear to be no "waters of the or th United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: There does not appear to be any waters of the US present withinthe project areas.

La •••	teral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: FILE NUMBER: D-12644/(0
8	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
<u>.</u>	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
×	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Theproject does involve activities in or affecting the waters.
A	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Deological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrang

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: D-17614

PRก	JECT	$L \Omega 0$	TATION	INFORM	AATION:

State:

Texas

County:

Matagorda County

Center coordinates of site (latitude/longitude):

28° 50' 51" N, 96° 09' 01" W

Approximate size of area (parcel) reviewed, including uplands: 0.15 acres.

Name of nearest waterway: Palacios River

Name of watershed: Huc Code: 12100401, Central Matagorda Bay

JURISDICTIONAL DETERMINATION

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq there appear to be no "waters of the appear to be no" available information.
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 0.002 acre.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Palacios River flows into Tres Palacios Bay, is subject to the ebb and flow of the tide and is contiguous with Matagorda Bay a navigable water of the United States. Therefore the Palacios River is a navigable water of the US.

FILE NUMBER: D-17614

L	Ordinary High Water Mark indicated by: Clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: Tide Line indicated by: High Tide Line indicated by: Oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Blessing, Texas Quadrangle U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Day Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Blessing, Texas Quadrangle State/Local wetland inventory maps: Blessing, Texas Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: DA Permits 23804 and D-17309 Other information (please specify):

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

FILE I PROJI St Cc Cc Aj	AICT OFFICE: CESWG NUMBER: D-17143 ECT LOCATION INFORMATION: ate: Texas bunty: Orange enter coordinates of site (latitude/longitude): 30° 13′ 18″N, 94° 01′ 18″W exproximate size of area (parcel) reviewed, including uplands: une of nearest waterway: Tiger Creek une of watershed: Neches River
	DICTIONAL DETERMINATION ompleted: Desktop determination Date: 11/2/05 Site visit(s) Date(s):
Ju	risdictional Determination (JD):
	Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
×	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.
BASIS	OF JURISDICTIONAL DETERMINATION:
A.	
B.	 The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. The presence of interstate waters including interstate wetlands¹.
	(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US.
	 (5) The presence of a tributary to a water identified in (1) – (4) above. (6) The presence of territorial seas. (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.
Ka	tionale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

				2		
FILE N	U MBER:	D-17143				
Lateral]	Ordinary High clear, na the prese changes	n Water Mark inditural line impresse ence of litter and d in the character of on of terrestrial ve	ed on the bank ebris soil			Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High W ☐ survey to a	ater Mark indicate vailable datum;	ed by: physical marking	s; 🗌 vegeta	tion li	nes/changes in vegetation types.
	Wetland boun	daries, as shown o	n the attached wetla	and delineati	on ma	p and/or in a delineation report prepared by:
	The reviewed: Unable to conf Headquarters of The Corps has United States: Waste Artifici retain v rice gro Artifici by exca Water the pur abando 328.3(a Isolated Non-tice	made a case-spec treatment systems ially irrigated area ial lakes and ponda water and which are owing. ial reflecting or swa avating and/or diking filled depressions pose of obtaining and ned and the resulting in, intrastate wetland	ely of uplands. of waters in 33 CFR e jurisdiction on the ific determination th , including treatmen s, which would reve s created by excavat re used exclusively th rimming pools or oth ing dry land to retain created in dry land if fill, sand, or gravel th ing body of water me d with no nexus to	e basis of 33 hat the follow at ponds or la ert to upland ting and/or d for such purpher small or n water for p incidental to unless and unless the definiterstate con he Natural R	CFR pring was agoons if the iking cooses a marmen orimari construction mitter and the market and the mitter and	part 328.3(a)(3). Avaters present on the site are not Waters of the states, pursuant to 33 CFR part 328.3. Airrigation ceased. Airrigation ceased. Airrigation ceased. Airrigation, settling basins, or stall bodies of water created ly aesthetic reasons. Auction activity and pits excavated in dry land for econstruction or excavation operation is of waters of the United States found at 33 CFR stee. Airrigation ceased.
	Maps, plans, pl Data sheets pre ☐ This office ☐ This office Data sheets pre Corps' navigab U.S. Geologica U.S.	ots or plat submitted by concurs with the concurs with the concur with the concurs of the	s. gic Atlas: te Topographic map te Historic quadrang e Historic quadrang vation Service Soil s: ps:	of the applicate applicant. lated, prepreport, dated os: Pine Foregles: les: Survey: Oran	ant. pared l , pr st, 199	by (company): repared by (company):

Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC **FILE NUMBER:** D-17651/(01)

PROJECT LOCATION INFORMATION:

State:

TX

County:

Brazoria

Center coordinates of site (latitude/longitude):

29° 28' 02"N, 95° 21' 08"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Chocolate Bayou

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 11/02/05

Date(s):

Site visit(s)

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\sqrt{\omega}\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
 - (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The pipeline does not appear ot be in any waters of the US.

FILE NUMBER: D-17651/(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): Theproject does involve activities in or affecting the waters. DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): 1995 Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law:

Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG-PE-RCC

FILE NUMBER: D-17848

PROJECT LOCATION INFORMATION:

State:

Texas

County:

Victoria

Center coordinates of site (latitude/longitude):

Site 1 - N28 49' 11.8915", W96 57' 48.7911"; Site 2 - N28 49'

3.7839", W96 58' 17.7178"; Site 3 - N28 49' 33.0929", W97 0' 2.6814"; Site 4 - N28 47' 44.8650", W97 0' 29.8607"; Site 5 - N28 47' 11.2882", W97 0' 24.1200"

Approximate size of area (parcel) reviewed, including uplands: Site 1 - 20 acres, Site 2 - 20 acres, Site 3 - 20 acres, Site 4 -1000 acres, Site 5 - 4 acres.

Name of nearest waterway: Guadalupe River Name of watershed: Guadalupe River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)



Date: 3 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square\) there appear to be (or) \(\square\) there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1028.6 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: .

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. 2

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands.

 (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, and the late water and the late water and lates or natural ponds, the use, degradation or sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

 (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
 - (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: D-17848

I	ateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)	• • •
Ŀ	Ordinary High Water Mark indicated by: High Tide Line indicated by:	
	 □ clear, natural line impressed on the bank □ oil or scum line along shore objects □ fine shell or debris deposits (foreshore) 	
	The state of the s	
	changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages	
	destruction of terrestrial vegetation tidal gages shelving other:	
	other:	
	Mean High Water Mark indicated by:	
	survey to available datum; physical markings; vegetation lines/changes in vegetation types.	
E	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
В	asis For Not Asserting Jurisdiction:	
	Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).	
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).	
2	The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:	
	Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328 3	
	Artificially irrigated areas, which would revert to upland if the irrigation ceased.	
	Artificial lakes and ponds created by excavating and/or diking dry land to collect and	
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.	
	Artificial reflecting or swimming pools or other small ornamental bodies of water created	
	by excavating and/or diking dry land to retain water for primarily aesthetic reasons	
	Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land to	or
	the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is	
	abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFI 328.3(a).	ł
	Isolated, intrastate wetland with no nexus to interstate commerce.	
	Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:	
	Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale:	
	Other (explain):	
DATA	DEVIEWED FOR HIDGIDICATION AS PREPARED.	
DA I A	REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.	
58	Data sheets prepared/submitted by or on behalf of the applicant.	
	This office concurs with the delineation report, dated prepared by (company):	
in e	This office does not concur with the delineation report, dated prepared by (company)	
	Data sheets prepared by the Corps. Corps' navigable waters' studies:	
	U.S. Geological Survey Hydrologic Atlas:	
図	U.S. Geological Survey 7.5 Minute Topographic maps: Victoria East and Victoria West Quads	
	U.S. Geological Survey 7.5 Minute Historic quadrangles:	
	U.S. Geological Survey 15 Minute Historic quadrangles:	
	USDA Natural Resources Conservation Service Soil Survey: Victoria County	
	National wetlands inventory maps: Victoria East and Victoria West State/Local wetland inventory maps:	
1	FEMA/FIRM maps (Map Name & Date):	
题	100-year Floodplain Elevation is: (NGVD)	
	Aerial Photographs (Name & Date): TNRIS 1995	
20	Other photographs (Date): Advanced Identification Wetland maps:	
	Site visit/determination conducted on:	
	Applicable/supporting case law:	
	Other information (please specify):	
'Wetland	are identified and delineated with the state of the state	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

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U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG **FILE NUMBER:** 23970

PR	O	JF	CT	1.6	7	$\cap \Delta$	T	C	N	IN	JTM) P	M	ATION

State: Louisiana County: Cameron

Center coordinates of site (latitude/longitude):

29.7242N; 93.7979W

Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: Sabine Rive Name of watershed: Sabine River

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{there appear to be (or) } \subseteq \text{there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

- A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":
- The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.
- B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":
- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
 - (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

FILE NUMBER: 23970

	Acteral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:	- - -
E	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.	
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:	
	Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CF 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):	or for
	Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey T.5 Minute Topographic maps: Texas Point, Louisiana U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Actual Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: National Photographs (Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):	

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFIC	E: CESWG
FILE NUMBER: S	SWG-05-12-035

PR	O.D	ECT	LOCA	TION	INFORMA	TION.

State: County: Galveston

Center coordinates of site (latitude/longitude): 29.4231N; 94.7931W Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Galveston Bay Name of watershed: Galveston Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Site visit(s)

Date: 3 November 2005

Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\square there appear to be \text{(or)} \square there appear to be no "waters of the" United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination. Open bay

FILE NUMBER: SWG-05-12-035 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects
fine shell or debris deposits (foresho
physical markings/characteristics
tidal gages the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil destruction of terrestrial vegetation shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for \Box the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Port Bolivar, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG-PE-RC

FILE NUMBER: D-17368

PROJECT LOCATION INFORMATION:

State:

TX

County:

Galveston

Center coordinates of site (latitude/longitude):

29° 27' 56"N, 94° 36' 44"W (NAD27)

Approximate size of area (parcel) reviewed, including uplands:

Name of nearest waterway: Gulf of Mexico

Name of watershed:

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date: 11/03/05

Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, \(\subseteq \text{ there appear to be (or) } \subseteq \text{ there appear to be no "waters of the or the content of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands¹.

- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
- (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
- (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
- (iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.

(7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The are waters of the US on the site however the activity is exempt unde 404(f) exempts for deepeing and/or widening the stock tank/pond.

FILE NUMBER: D-17368 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. \Box Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): The activity is deepening and widening an existing established stock pond/tank that is an exempt activyt under the 404(f) exemptions with mateiral excavated placed on the uplands. DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with Data sheets prepared by the Corps. Corps' navigable waters' studies:

U.S. Geological Survey Hydrological U.S. Geological Survey 7.5 Minute U.S. Geological Survey 15 Minute U.S. Geological Survey 15 Minute U.S. Geological Survey 15 Minute U.S. Activational Wetlands inventory maps:

State/Local wetland inventory maps:

State/Local wetland inventory maps:

State/Local wetland inventory maps:

Activational Metland inventory maps:

Activational Metland inventory maps:

Activational Metland inventory maps:

Activational Metland inventory Maps:

Advanced Identification Wetland maps:

Site visit/determination conducted of Applicable/supporting case law: This office does not concur with the delineation report, dated , prepared by (company): U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): (NGVD) Aerial Photographs (Name & Date): 1995 Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG FILE NUMBER: 23974

FILE	NUMBER: 23974				
St C C A N	tate: Texas county: Galveston enter coordinates of site (latitude/longitude): Latitude 29° 28' 31"N; Longitude 94° 52' 54"W approximate size of area (parcel) reviewed, including uplands: acres. ame of nearest waterway: Galveston Bay ame of watershed: West Galveston Bay Huc: 12040204				
	SDICTIONAL DETERMINATION completed: Desktop determination				
T.	urisdictional Determination (JD):				
	-				
Ø	Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:				
	There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:				
	There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.				
A	OF JURISDICTIONAL DETERMINATION: Waters defined under 33 CFR part 329 as "navigable waters of the United States": The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.				
	 (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands¹. (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. (iii) which are or could be used for industrial purposes by industries in interstate commerce. (4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) – (4) above. 				
	-				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Galveston Bay is a navigable water of the U.S.

2 **FILE NUMBER: 23974** Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. П Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Texas City, Texas U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

		CT OFFIC U <mark>mber:</mark> 2		WG			
PRO	State Cou Cen App Nan	e: inty: ter coordir roximate s	Texas Galvesto nates of size of are est waterv	n/Chambers te (latitude/loi ea (parcel) revi vay: West Gal- West Galves	ngitude): lewed, includ veston Bay		Latitude 29° 30' 08"N; Longitude -94° 54' 12"W aplands: acres.
JUR				RMINATIO determination (s)			Date: 3 November 2005 Date(s):
	Juri	isdictional	Determ	ination (JD):			
		United St	ates" and				there appear to be (or) there appear to be no "waters of the ited States" on the project site. A preliminary JD is not appealable
	Ø	Approved Check all			is an appeala	able a	ction (Reference 33 CFR part 331).
				igable waters of Approximate			es" (as defined by 33 CFR part 329 and associated guidance) within anal area:
				ers of the Unit			fined by 33 CFR part 328 and associated guidance) within the area:
		There	are "iso				waters or wetlands" within the reviewed area. CC/Migratory Bird Rule Information Sheet for Determination of No.
BAS	A.	Waters d	l efined u nce of wa	iters that are s	part 329 as ubject to the	"nav ebb a	igable waters of the United States": Ind flow of the tide and/or are presently used, or have been used in interstate or foreign commerce.
	B.	(1) The p interstate (2) The p (3) The p sandflats, destruction	resence of or foreignesence of resence of wetlands on of whice	f waters, which commerce, if interstate was fother waters as, sloughs, praich could affect	h are current neluding all ters includin such as intra rie potholes, interstate co	water g intensitate , wet	*waters of the United States": ed, or were used in the past, or may be susceptible to use in s which are subject to the ebb and flow of the tide. erstate wetlands. lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): foreign travelers for recreational or other purposes.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: West Galveston Bay is a navigable water of the U.S.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce. [(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US. (5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

FILE NUMBER: 23978

	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: High Tide Line indicated by: oil or scum line along shore objects fine shell or debris deposits (foreshore) physical markings/characteristics tidal gages other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bi	The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain):
DATA Market Mark	April Miles For Jursidical Determination (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: J.S. Geological Survey Hydrologic Atlas: J.S. Geological Survey 7.5 Minute Topographic maps: Bacliff J.S. Geological Survey 7.5 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 15 Minute Historic quadrangles: J.S. Geological Survey 16 Minute Historic quadrangles: J.S. Geological Survey 17 Minute Historic quadrangles: J.S. Geological Survey 18 Minute Historic quadrangles: J.S. Geological Survey 19 Minute Historic quadrangles: J.S. Geological Survey 19 Minute Historic quadrangles: J.S. Geological Survey 10 Minute Historic

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

DISTRICT OFFICE: CESWG **FILE NUMBER:** 9107(01)

FILE N	NUMBER: 9107(01)				
Stat Cou Cen App Nar	ate: Texas ounty: Brazoria County enter coordinates of site (latitude/longitude): pproximate size of area (parcel) reviewed, including ame of nearest waterway: Old Brazos River Channel ame of watershed: Huc Code: 12040205, Austin				
	DICTIONAL DETERMINATION completed: Desktop determination Site visit(s)	Date: 4 November 2005 Date(s):			
Jur	risdictional Determination (JD):				
	Preliminary JD - Based on available information, United States" and/or "navigable waters of the Un (Reference 33 CFR part 331).	there appear to be (or) there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable			
Ø	Approved JD – An approved JD is an appealable Check all that apply:	action (Reference 33 CFR part 331).			
There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) the reviewed area. Approximate size of jurisdictional area: 0.15 acre.					
	There are "waters of the United States" (as de reviewed area. Approximate size of jurisdictional	efined by 33 CFR part 328 and associated guidance) within the l area: 0.15 acre.			
	There are "isolated, non-navigable, intra-stated Decision supported by SWAN Jurisdiction.	e waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No			
BASIS (OF JURISDICTIONAL DETERMINATION:				
A.	Waters defined under 33 CFR part 329 as "na	and flow of the tide and/or are presently used, or have been used in			
B. ⊠	(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. (2) The presence of interstate waters including interstate wetlands.				
Ē	(5) The presence of a tributary to a water identifie				

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The Old Brazos River Channel flows into the GIWW and the Gulf of Mexico. It is subject to the ebb and flow of the tide and is a navigable water of the United States.

(7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

FILE NUMBER: 9107(01) Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Basis For Not Asserting Jurisdiction:** The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. П Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. ☐ This office concurs with the delineation report, dated , prepared by (company): ☐ This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Freeport, Texas Quadrangle U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey: National wetlands inventory maps: Freeport, Texas Quadrangle State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps: Site visit/determination conducted on: Applicable/supporting case law: Other information (please specify):

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.



Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

DISTRICT OFFICE: CESWG **FILE NUMBER:** SWG-05-12-036

PR	OJE	CT	OCAT	ON IN	FODM	TION
rк	1 <i>1.</i> 1 r				H	

State: Texas
County: Galveston

Center coordinates of site (latitude/longitude): 29.6042N; 94.7862W Approximate size of area (parcel) reviewed, including uplands: 10 acres.

Name of nearest waterway: Trinity Bay Name of watershed: Trinity Bay

JURISDICTIONAL DETERMINATION

Completed: Desktop determination Date: 4 November 2005
Site visit(s) Date(s):

Jurisdictional Determination (JD):

Preliminary JD - Based on available information, there appear to be (or) there appear to be no "waters of the
United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
(Reference 33 CFR part 331).

Approved JD – An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:

There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 10 acres.

There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:

There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- (2) The presence of interstate waters including interstate wetlands¹.
- (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
 - (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
 - (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 - (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- (4) Impoundments of waters otherwise defined as waters of the US.
- (5) The presence of a tributary to a water identified in (1) (4) above.
- (6) The presence of territorial seas.
- (7) The presence of wetlands adjacent² to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Open bay

FILE NUMBER: SWG-05-12-036 Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329) Ordinary High Water Mark indicated by: High Tide Line indicated by: clear, natural line impressed on the bank oil or scum line along shore objects the presence of litter and debris fine shell or debris deposits (foreshore) changes in the character of soil physical markings/characteristics destruction of terrestrial vegetation tidal gages shelving other: other: Mean High Water Mark indicated by: survey to available datum; physical markings; vegetation lines/changes in vegetation types. Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: Basis For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: Other (explain): DATA REVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant.

Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas:
U.S. Geological Survey 7.5 Minute Topographic maps: Smith Point, Texas U.S. Geological Survey 7.5 Minute Topographic maps: Str. U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: USDA Natural Resources Conservation Service Soil Survey National wetlands inventory maps: State/Local wetland inventory maps: State/Local wetland inventory maps: FEMA/FIRM maps (Map Name & Date): 100-year Floodplain Elevation is: (NGVD) USDA Natural Resources Conservation Service Soil Survey: Aerial Photographs (Name & Date): Other photographs (Date): Advanced Identification Wetland maps:

Site visit/determination conducted on:
Applicable/supporting case law:
Other information (please specify):

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

JURISDICTIONAL DETERMINATION

U.S. Army Corps of Engineers

DISTRICT OFFICE: CESWG FILE NUMBER: D-17849

S C C A N	eate: TX ounty: Camer enter coordinates of	f site (latitude/longitud area (parcel) reviewed	le): , including	N26 12' 15", W97 38' 13" g uplands: 2 acres.
	DICTIONAL DET ompleted: Deskto Site vi	op determination	×	Date: 4 November 2005 Date(s):
Jı	risdictional Deter	mination (JD):		
1	Preliminary JD - United States" at (Reference 33 C	nd/or "navigable watei	formation s of the U	, \(\subseteq \text{ there appear to be (or) } \subseteq there appear to be no "waters of the nited States" on the project site. A preliminary JD is not appealable
×	Approved JD – A Check all that ap	An approved JD is an a ply:	appealable	action (Reference 33 CFR part 331).
	There are "nather the reviewed are	avigable waters of the a. Approximate size o	United Start Inf jurisdict	ates" (as defined by 33 CFR part 329 and associated guidance) within ional area:
	☐ There are "w reviewed area. A	aters of the United Sta Approximate size of ju	ites" (as d	efined by 33 CFR part 328 and associated guidance) within the all area:
	☐ There are "is	olated, non-navigable Decision supported Jurisdiction.	, <i>intra-stai</i> l by SWA]	te waters or wetlands" within the reviewed area. NCC/Migratory Bird Rule Information Sheet for Determination of No
BASIS A.	Waters defined The presence of v	vaters that are subject	29 as "na to the ebb	vigable waters of the United States": and flow of the tide and/or are presently used, or have been used in tinterstate or foreign commerce.
B	(1) The presence interstate or forei (2) The presence (3) The presence sandflats, wetland destruction of wh (i) which are (ii) from which (iii) which are (4) Impoundment (5) The presence (6) The presence	of waters, which are c gn commerce, including of interstate waters income of other waters such a ds, sloughs, prairie pot inch could affect interstor could be used by in inch fish or shellfish are the or could be used for a softwaters otherwise of a tributary to a water of territorial seas.	urrently using all water cluding into a intrastate tholes, wet tate communiterstate of correction or could industrial defined as the control of the control	e lakes, rivers, streams (including intermittent streams), mudflats, meadows, playa lakes, or natural ponds, the use, degradation or erce including any such waters (check all that apply): r foreign travelers for recreational or other purposes. be taken and sold in interstate or foreign commerce. purposes by industries in interstate commerce. waters of the US.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

Lat	Ordinary High Water Mark indicated by: clear, natural line impressed on the bank the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation shelving other: the presence of litter and debris changes in the character of soil destruction of terrestrial vegetation other:
	Mean High Water Mark indicated by: ☐ survey to available datum; ☐ physical markings; ☐ vegetation lines/changes in vegetation types.
Z	Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by:
Bas	is For Not Asserting Jurisdiction: The reviewed area consists entirely of uplands. Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7). Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3). The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States: Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3. Artificially irrigated areas, which would revert to upland if the irrigation ceased. Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing. Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons. Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a). Isolated, intrastate wetland with no nexus to interstate commerce. Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale: Other (explain):
	EVIEWED FOR JURSIDICTIONAL DETERMINATION (mark all that apply): Maps, plans, plots or plat submitted by or on behalf of the applicant. Data sheets prepared/submitted by or on behalf of the applicant. This office concurs with the delineation report, dated , prepared by (company): This office does not concur with the delineation report, dated , prepared by (company): Data sheets prepared by the Corps. Corps' navigable waters' studies: U.S. Geological Survey Hydrologic Atlas: U.S. Geological Survey 7.5 Minute Topographic maps: Harlingen Quad U.S. Geological Survey 7.5 Minute Historic quadrangles: U.S. Geological Survey 15 Minute Historic quadrangles: U.S. Geological Survey 16 Minute Hi

¹Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

²The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.